

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL THRASHER,

Plaintiff,

v.

RICK GARLAND *et al.*,

Defendants.

Case No. C04-5772FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION


The Magistrate Judge recommends that this action be dismissed without prejudice for failure to exhaust available administrative remedies. Plaintiff responds that he has tried to appeal to the next levels, "but they refuse to respond."

The record demonstrates that Plaintiff has filed eleven grievances and is thus, well aware of the grievance system, but there is nothing to show that he has appealed the grievances at issue herein.

The Court, having reviewed, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. Karen L. Strombom.

DATED this 12<sup>th</sup> day of July 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE